

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**THIRD AMENDED MASTER
SHORT FORM COMPLAINT FOR
DAMAGES FOR INDIVIDUAL
CLAIMS AND DEMAND FOR JURY
TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant: _____

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury: _____

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

7. District Court and Division in which venue would be proper absent direct filing:

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

☐ G2[®] Express Vena Cava Filter

☐ G2[®] X Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☐ Other: _____

11. Date of Implantation as to each product:

12. Counts in the Master Complaint brought by Plaintiff(s):

✓ Count I: Strict Products Liability – Manufacturing Defect

✓ Count II: Strict Products Liability – Information Defect

(Failure to Warn)

✓ Count III: Strict Products Liability – Design Defect

✓ Count IV: Negligence - Design

✓ Count V: Negligence - Manufacture

✓ Count VI: Negligence – Failure to Recall/Retrofit

✓ Count VII: Negligence – Failure to Warn

✓ Count VIII: Negligent Misrepresentation

✓ Count IX: Negligence *Per Se*

✓ Count X: Breach of Express Warranty

✓ Count XI: Breach of Implied Warranty

✓ Count XII: Fraudulent Misrepresentation

✓ Count XIII: Fraudulent Concealment

☐ Count XIV: Violations of Applicable ____ (insert state) Law

Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices

✓ Count XV: Loss of Consortium

- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting this Count in the space immediately below)

RESPECTFULLY SUBMITTED this _____ day of _____, 2019.

s/ John T. Kirtley, III

JOHN T. KIRTLEY, III

Texas Bar No. 11534050
2603 Oak Lawn Avenue, Suite 300
P.O. Box 199109
Dallas, Texas 75219
(214) 521-4412
(214) 526-6026 Fax
jkirtley@lawyerworks.com
Asst. molvera@lawyerworks.com
ivcfiling@lawerworks.com

ATTORNEY FOR THE PLAINTIFF

I hereby certify that on this _____ day of _____, 2019, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ JOHN KIRTLEY